
Appeal Decision

Site visit made on 6 November 2017

by S Jones MA DipLP

an Inspector appointed by the Secretary of State

Decision date: 19th February 2018

Appeal Ref: APP/K3605/W/17/3181115

1 Kings Road, Walton On Thames KT12 2RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Clarke representing Perfect Start Childrens Day Nursery and Pre-School against the decision of Elmbridge Borough Council.
 - The application Ref 2017/0841, dated 14 March 2017, was refused by notice dated 14 June 2017.
 - The development proposed is change of use from office (class b1) to children's day nursery (class d1); single storey infill side extension; single storey rear extension; 2 x 1st floor rear extensions; car and cycle parking; siting of external plant on flatroof at first floor level; erection of green coloured chain link fencing and hedgerow around garden area ; and surfacing of garden area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of local residents with particular regard to noise and disturbance.

Reasons

3. The appeal site is located on the main A244 Hersham Road on the corner with Kings Road. It fronts onto Hersham Road and there is a pedestrian access from that road. There is no vehicular access from Hersham Road to Kings Road as there have been road alterations and the junction between the two has been closed off with bollards. In addition there are also bollards between Kings Road and the adjacent Crutchfields Lane so there is no through vehicular access.
4. Vehicular access to the site is off Sidney Road and down Kings Road to a tarmac area round a garage building. No parking spaces are formally laid out in this area. The main building onsite is a two storey detached building and was previously in use as an office building.
5. Some of the houses nearest the site do not have off-street parking so that on-street parking is the only option for the occupiers of those houses. Other houses have crossovers with white line markings in Kings Road to prevent their obstruction. There are double yellow lines on one side of Kings Road outside the proposed nursery.

6. The appeal site is about a 15 minute walk from the railway station which is on the Basingstoke to London Waterloo mainline, and about 60m from local bus routes on Hersham Road with buses to the train station and beyond.
7. The proposal is to change the use of the building to a children's daycare nursery open from 0730 to 1830 Monday to Friday. There would be provision for up to 80 children requiring up to 14 members of staff. Potentially there would be 94 users at maximum capacity. The proposed parking for 12 cars falls short of the maximum parking standards adopted by the Council, albeit these are maximum standards.
8. The Highway Authority did not object to the development with regard to its transport impact. However, the Transport Survey supplied by the appellant states that the estimated number of trips based on the permitted use of the site for B1 business could have generated 59 daily trips with peak movements of less than 10 vehicles. The Transport Statement estimates the proposal would generate in the region of 105 daily trips. In the Transport Statement the data indicated the new use would generate a traffic increase of roughly 50% in Kings Road with 42 and 33 two way vehicle movements during the peak hours of 0700-1000 and 1600-1900. Consequently I am satisfied that due to the increase in traffic the level of activity from this new use would be significantly higher than that associated with the previous office use.
9. The appellant produced traffic data for other comparable sites at Windsor and Epsom. The data for both nurseries shows peak activity in the early morning and late afternoon to early evening with much less activity during the period in between. This evidence indicates that there would be a high turnover in the car park at the appeal site during the hours of 0700-1000 and 1600-1900.
10. Two parking surveys were undertaken which showed an average parking stress of 74%. The highest incidence of parking stress was at 0700-0800, recording 100% on the north side of Kings Road on Wednesday 29 March 2017.
11. Due to the nature of the use, it is clear from the evidence that the majority of activity would be at the start and towards the end of the nursery day, slightly earlier and slightly later than general office hours, because the nursery takes children before and after parents start their working hours. This would coincide with the periods of highest parking demand in Kings Road according to the parking surveys. There would be high turnover in the car park during those times, and this would be likely to result in congestion along the length of Kings Road.
12. Moreover, a total of 12 parking spaces does fall considerably below the Council's maximum levels, and if parents waited for parking spaces to become available then there would be increased congestion in Kings Road while vehicles waited to park or turn round since every vehicle entering Kings Road must turn around to exit and go back along Kings Road as there is no vehicular access onto Hersham Road. It is also possible that under time and traffic pressure parents would resort to turning around in private driveways.
13. Furthermore, I consider that clients would be more likely to park nearer the nursery in order to drop or collect small pre-school age children. In these circumstances, there would consequently be competition between local residents and clients of the proposed nursery for parking closer to the appeal site. The necessity for a speedy handover and collection of children by parents

would increase the pressure to find parking somewhere quickly and complete the task. Inevitably if car parking provision was not available within the car park area or parents were pressed for time then client parking would overspill onto Kings Road. In addition due to parking restrictions outside the appeal site, it could result in parking over the double yellow lines when parents were in a hurry.

14. Clients and staff arriving at the appeal site would all approach along Kings Road. The fact that this would be at relatively low speeds and would include all vehicles manoeuvring to turn around at the end of Kings Road to go back along Kings Road to exit onto Sidney Road would exacerbate the effect of the increased traffic arising from the development.
15. I have had regard to the Noise Impact Assessment and the responses from the Senior Acoustics Engineer dated 28 April 2017 and 7 November 2017. I also note the guidelines in British Standard BS 8233:2014 relating to sound insulation and noise reduction for buildings. While the noise might not be at a level that would cause a noise nuisance in terms of Environmental Health, in my view the large number of vehicles accessing the site during the morning drop off and evening collection times would result in significantly increased regular traffic, parking and manoeuvring, noise and activity close by that would cause unacceptable noise and disturbance to the living conditions of local residents.
16. Due to these factors, I conclude the proposed development would result in a significant increase in noise and disturbance both within the appeal site and within Kings Road which would in my judgement affect the living conditions of the occupiers of the residential properties along the length of the road, albeit to a lesser extent farther towards Sidney Road. However the concerns I have identified regarding noise and disturbance from vehicle movements could not be adequately mitigated by measures onsite. Conditions would not overcome the harm because they could not address the fact that Kings Road is a no through road, and use of a Travel Plan would not fully address the issues regarding vehicular traffic noise and disturbance. There are no other matters that would outweigh the harm arising.
17. I conclude that the proposed development would thereby conflict with Policies DM2, DM7 and DM9 of the Elmbridge Local Plan Development Management Plan and Policies CS3 and CS17 of the Elmbridge Core Strategy and the Elmbridge Design and Character Supplementary Planning Document. Together these aim to secure high quality development that protects the living conditions of residents. It is also contrary to one of the core principles in the National Planning Policy Framework which is always to seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Other Matters

18. The appellant refers to the fact that there is increasing national demand for nursery places arising from the entitlement to free nursery provision. However this need does not outweigh the harm that I have identified arising from the development.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

20. *S Jones*

INSPECTOR